

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with William Bunker on April 2, 2010.

Replace claim 1 with:

1. A polymer composite material, comprising:
 - (1) a polyurethane formed by reaction of a reaction mixture, comprising:
 - (a) one or more monomeric or oligomeric poly- or di-isocyanates;
 - (b) a first polyol comprising a polyether polyol, the first polyol having a first hydroxyl number in the range of 365 mg KOH/g to 395 mg KOH/g; and
 - (c) a second polyol comprising a polyether polyol, the second polyol having a second hydroxyl number in the range of 33.8 mg KOH/g to 37.2 mg KOH/g, or from 56.2 mg KOH/g to 59.0 mg KOH/g, and forming the polyurethane, wherein the polyurethane is less rigid than a second polyurethane that would be formed by the reaction of the first polyol and the one or more monomeric or oligomeric poly- or di-isocyanates in the absence of the second polyol, and wherein the second polyol is between about 5 wt % and about 20 wt %, based on the total weight of the first and second polyols being 100 wt %; and

(2) an inorganic particulate material comprising one or more of fly ash, bottom ash, particulate glass and granite tailings dispersed in the polymer matrix, the inorganic particulate material being 60 to 72 wt%, based on the total weight of the composite material.

Cancel claim 7.

Cancel claim 44.

Claim 46, line 1, delete "44" and insert -- 1 --.

Claim 47, line 1, delete "44" and insert -- 1 --.

Claim 60, line 1, delete "44" and insert -- 1 --.

Cancel claim 61.

Replace claim 62 with:

62. A polymer composite material comprising:

(1) a polyurethane formed by reaction of a reaction mixture, comprising:

(a) one or more monomeric or oligomeric poly- or di-isocyanates;

(b) a first polyol comprising a polyether polyol, the first polyol having a first hydroxyl number in the range of 365 mg KOH/g to 395 mg KOH/g; and

(c) a second polyol comprising a polyether polyol, the second polyol having a second hydroxyl number in the range of 33.8 mg KOH/g to 37.2 mg KOH/g, or 56.2 mg KOH/g to 59 mg KOH/g, and forming the polyurethane, wherein the polyurethane is less rigid than a second polyurethane that would be formed by the reaction of the first polyol and the one or more monomeric or oligomeric poly- or di-isocyanates in the absence of the second polyol, and wherein the second polyol is between about 5 wt % and about 20 wt %, based on the total weight of the first and second polyols being 100 wt %; and

(2) 60 to 72 wt% of an inorganic particulate material, based on the total weight of the composite material.

REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance:

The base claim(s) is/are: 1 and 62.

The present claims are deemed allowable over the references of since Applicant has shown unexpected results for the claimed composition, see the Affidavit filed June 5, 2009. Also, support for the newly claimed hydroxyl numbers comes from the Examples 1-4 in the specification and the attached product information sheets.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (571) 272-1490. The examiner can normally be reached on Monday through Thursday from 11:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Sample can be reached on (571) 272-1376. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alicia Chevalier/
Primary Examiner, Art Unit 1783
4/19/2010